REMARKS

Claim 48 is pending in the application. Claim 48 has been amended herein. Claims 49-52 have been added. No claims have been allowed. The previous response filed by Applicants was indicated to be not fully responsive because it failed to identify how the claimed invention overcame the Gershman reference as cited in the Office action mailed October 7, 2004. Applicants present the following remarks to distinguish the claimed invention from the cited art.

Rejections under 35 U.S.C. § 112

Claims 25-27 were rejected under 35 U.S.C. § 112, first paragraph and second paragraph. Claims 25-27 have been canceled, and therefore, Applicants submit that the rejections are moot.

Rejections under 35 U.S.C. § 102

Claims 25-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gershman et al (U.S. Patent No. 6,356,905, hereinafter "Gershman"). Claims 25-27 have been canceled. Applicants respectfully submit that claims 48-52 are not anticipated by Gershman.

Gershman teaches a system, method, and article of manufacture for mobile communication utilizing an interface support framework. A system is disclosed that facilitates web-based information retrieval and display system. A wireless phone or similar hand-held wireless device with Internet Protocol capability is combined with other peripherals to provide a portable portal into the Internet. The wireless device prompts a user to input information of interest to the user. This information is transmitted a query to a service routine (running on a Web server). The service routine then queries the Web to find price, shipping and availability information from various Web suppliers. This information is then available for use by various applications through an interface support framework.

Gershman fails to disclose or suggest executing a transaction in response to a received transaction execution request, including communicating with the at least one

server using data received from the mobile device, and further comprising automatic payment using any type of wireless bar code reader device or the RFID tag reader device information, automatically entering an item in an inventory database as sold, enabling the item to be removed from a store. Gershman at column 27, line 49-column 28, line 40, discloses wireless bargain identification. However, Gershman fails to provide at least any teaching regarding anything to do with inventory as claimed. For this reason, Applicants respectfully submit that independents claim 48, its dependent claim 49, and independent claims 50 and 51 are not anticipated by Gershman.

Applicants further submit that claim 52 is not anticipated by Gershman. Gershman does not teach the computation of the comparison in a distributed manner. The claimed invention includes the comparison of a selected parameter or a combination of parameters related to a transaction. For example, suppose that there is information regarding price, color, form, function, delivery etc., and this information is received from a single website. A user-defined algorithm is run to make the optimal transaction decision. This algorithm is process intensive and relies on the query data and the response data to determine a user defined optimal transaction decision. This processing is done by the processor in conjunction with accessing the data from the database/look up table. The processing may be done:

a) At the mobile device with the data base/lookup tables being resident locally within the mobile device.

b) At the merchant server with the full or partial database/look up tables resident within the merchant server. Here the user may or may not allow the merchant to access personal optimization/acquisition algorithms.

c) At a secure personal server with the full or partial database/look up tables resident within the secure personal server running proprietary user algorithms.

Similarly, the user may query different merchant websites related to a single product and a plurality of transaction parameters. The transaction request and the transaction response from each website is the put into a database/look up table to now run an optimization algorithms that compares the plurality of requests and responses
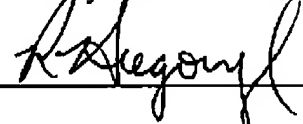
Atty. Docket No.: IPHD.P007 *Patent*

across a plurality of websites to determine the best acquisition based on user defined algorithms, and then generates a transaction request to the selected website/server. Gershman does not teach this user defined acquisition/transaction model, the databases/look up tables or the distributed processing cited above. For these reasons Applicants respectfully submit that claim 52 is not anticipated by Gershman.

CONCLUSION

Applicants respectfully request entry of the corrected amendments and consideration of the application as amended. The Examiner is invited to call the undersigned if there are any issues that remain to be resolved prior to allowance of the claims.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Please charge deposit account 503616 for any fees due and not already paid herewith.

Respectfully submitted,
Courtney Staniford & Gregory LLP

Date: October 16, 2007

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10 of 10